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Application/Control Number: 09/856,228

Art Unit: 3722 Applicant: LINDEN, CRAIG L.

Declaration and Third Response to the January 2005 Final Office Action

May 15, 2005

Faxed to 703-872-9306 with Cover Page, All claims and Amended Claim Drafts

I, Craig L. Linden being the inventor and applicant for a patent declare the following:

This third response to the January 2005 Office Action will focus on Claim Rejections under 35 USC Section 102 (b) as being anticipated by '602 to Kikinis (my March 27 and March 30 responses are incorporated by reference):

I have amended my claims 1 & 2 in light of your continued rejections as being anticipated by '602 Kikinis. My continued understanding is that all of the Kikinis' claims and suggested embodiments are limited by the need of connected host PC computers and the devices require complex onboard audio circuitry for the onboard microphones/speakers, and there are other elements/limitations. All of the powered physical display movements of the '602 entities are controlled by scripted routines executed by the necessary separated host computer, i.e., there is no possibility of live interactive hugs, for example, when using two or more '602 Kikinis' physical displays.

I did some online research and learned that a "visa versa" test or the "two-ways" test regarding anticipation helps distinguish my claims from '602 Kikinis. If I am correct this two-ways test would also asks whether my invention would make anticipate the '602 Kikinis claims. I believe the answer is clearly no to both ways of the two-ways test. Had I read the '602 Kikinis patent prior to my inspiration it would

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not have been obvious to me that so many of his elements could be eliminated to create a totally different effect ~ mine invention can be provide live and spontaneous physical interaction between two or more persons, whereas '602 Kikinis' entities' scripted movement is necessary for programmed audio learning, etc.

In an effort to make the distinguishing elements/limitations clearer (between '602 Kikinis and my inventions) I have modified my claims 1 and 2. I have made some sight amendments to other claims.

In light of the above and the evidence presented in my two previous responses dated March 27 and 30, I hope my application is now allowable. Please remember that all physical display output of the Kikinis' dolls and personalized entities is controlled by scripted control routines, i.e., there is no "live" interaction possible. If the dad and the child (used in my drawings) were using teddy bears constructed according to '602 Kikinis' teachings (assuming for argument sake the '602 imagined exchanging hugs, etc.) the child and the dad would exchange third-party pre-scripted hugs pulled from their own computer's memory. Continuing the assumption, the dad would press a switch or do something with his bear or computer to simply activate a programmed hug to be given to his daughter, from her host computer memory, CD or DVD.

One of the biggest distinguishing factors, for one example, is that my teddy bears are capable of sending and receiving Live Digitally Proportional hugs ~ light hugs, tight hugs, short hugs, long hugs and/or handshakes, etc. The hugs are not limited by use of impersonal pre-loaded software -- but can be live and nearly exactly as the sender hugs his/her bear -- the hug is reproduced and delivered to the receiving person via the second teddy bear (or other entity/physical display).

Another contrast between '602 Kikinis and my invention is that Kikinis' main enhancement to the state-of-the-art is: Enabling Very Complex Personalized Entities by using the power of the host computer,

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paired with complex onboard circuitry, speakers and microphones, etc. Most my systems, devices and entities are pretty dumb compared to '602 Kikinis. This is because the embodiments of my invention that correspond to Kikinis' dolls and other entities are primarily for live person-to-person physical interaction.

Below are five other examples of my embodiments, which I believe were not anticipated by '602 Kikinis and visa versa, i.e., the below examples do not anticipate of the many limitations of '602 Kikinis':

1. My physically interactive mobile and regular phones, etc. (PCs not required)
2. My live interactive huggable and hugging teddy bears, dolls, etc. (audio circuitry, speakers or microphones not required)
3. My live interactive physical displays for multiplayer games (not just programmed force-feedback)
4. My live interactive toys (pre-scripted movement routines not required)
5. Mobile phone games with physical interaction (PCs not required)

Please note as further evidence of novelty, the International Application (WO 01/09863) has been on the World Wide Web since February 8, 2001, and my Web site, which explains several of the embodiments has been online for about 4 years, yet I have received no comments about lack of novelty ~ only wows about the new inventions. Please note that over the years there have been tens of thousands of visitors to my www.RealTimeTouch.com Web site yet not one person has suggested they saw the inventions elsewhere.

Additionally, I have over the past 3-5 years I have contacted and/or corresponded with several major companies in the following industries and others: mobile phones, game consoles, computers, game software, toy and medical devices. Not one company, person or manufacturer has ever suggested my advancements had been previously considered or previously discussed or even thought about.

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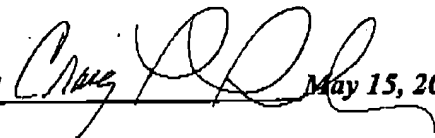
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If I have drafted any claim wrong or poorly or amended a claim wrongly or poorly, I request whatever assistance the USPTO can provide to help me make corrections and/or to help me redraft at least one allowable claim. I will call to discuss this third response and my past two responses in the hope that I can further explain, offer more evidence and/or answer any questions.

I declare and swear under the penalty of perjury that the statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. This declaration includes my March 27 and March 30 responses as to those statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon.

So Sworn and Declared

 May 15, 2005

Very sincerely and Respectfully yours,

Craig L. Linden, Inventor

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